

Message Text

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ORIGIN L-03

INFO OCT-01 EUR-12 ISO-00 IO-13 EB-07 SSO-00 NSCE-00

USIE-00 INRE-00 CAB-05 CIAE-00 COME-00 DODE-00 DOTE-00

INR-07 NSAE-00 CIEP-02 FAA-00 AF-08 ARA-10 EA-09

NEA-10 PRS-01 /088 R

DRAFTED BY L/T:WMMCQUADE:KG

APPROVED BY L/T:AWROVINE

IO/TRC - MR. DIAMANTI (SUBS)

EB/AVP - MRS. GRAVATT

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FM SECSTATE WASHDC

TO AMCONSUL MONTREAL IMMEDIATE

UNCLAS STATE 225712

E.O. 11652: N/A

TAGS: PORG, EAIR, ICAO, UR

SUBJECT: ICAO: WORKING GROUP ON RUSSIAN TEXT/CHICAGO
CONVENTION

REFS: A) STATE 104604, B) MONTREAL 1321

PASS: JOHN BOYD US/WG DEL

1. SUMMARY: DEPT GRATIFIED TO NOTE THAT TEXT SUBMITTED
REF B ACKNOWLEDGES U.S. POSITION OF PROPER CHRONOLOGY OF
ENTRY INTO FORCE OF AMENDMENT OF CONVENTION FOLLOWED ONLY
THEN BY ENTRY INTO FORCE OF THE PROTOCOL. ;OWEVER, PRO-
VISIONAL ENTRY INTO FORCE OF PROTOCOL IS NOT ACCEPTABLE -
SUGGEST THAT IT BE PROPOSED THAT T;E RUSSIAN LANG TEXT
ATTACHED TO THE PROTOCOL "BE DEEMED TO BE THE OFFICIAL
WORKING DRAFT OF THE RUSSIAN LANGUAGE TEXT" AS A COMPRO-
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MISE FORMULATION. END SUMMARY.

2. SAME ARGUMENTS PRESENTED REF A PERTAIN TO NOTION OF PROVISIONAL ENTRY INTO FORCE (E.I.F.) OF THE PROTOCOL. PROVISIONAL E.I.F. AND CONSEQUENT APPLICATION OF AN AGREEMENT IS THE SAME AS ORDINARY E.I.F. AND APPLICATION EXCEPT INsofar AS THE PARTIES THERETO REPEAT PARTIES THERETO

HAVE THE ABILITY TO OPT OUT IF THEY DECIDE AGAINST FULL ADOPTION. THEREFORE, DURING ITS LIFE AN AGREEMENT PROVISIONALLY IN FORCE IS NO LESS BINDING ON THE PARTIES THAN AN AGREEMENT IN FULL FORCE AND EFFECT. THUS REF A ARGUMENTS PERTAIN.

3. MOREOVER, THE PROVISIONAL E.I.F. OF THE PROTOCOL AMOUNTS TO PROVISIONAL E.I.F. OF THE AMENDMENT AUTHORIZING AN AUTHENTIC RUSSIAN LANGUAGE TEXT. THE CHICAGO CONVENTION MAKES NO PROVISION FOR PROVISIONAL AMENDMENT OF THE CONVENTION AND ALL ICAO BODIES ARE GOVERNED BY THE CHICAGO CONVENTION AS AMENDED AND SO WOULD BE OBLIGED TO REFUSE ADOPTION OF SUCH PROVISION. ADDITIONALLY, INsofar AS THE PROTOCOL PROVISIONALLY IN FORCE IS EQUIVALENT TO AN AGREEMENT IN FULL FORCE AND EFFECT, THE AMENDMENT PROVISIONALLY IN FORCE WOULD BE ILLEGAL.

4. DEPT UNDERSTANDS USSR IMPATIENCE WITH SLOWNESS OF ADOPTION OF A RUSSIAN LANGUAGE TEXT WHICH IS LEGALLY USAOLE. ,OWEVER, IT SHOULD BE KEPT IN MIND THAT SUCH RETROACTIVE ESTABLISHMENT OF AN ADDITIONAL AUTENTIC LANGUAGE TEXT IS UNPRECEDENTED AND MAY ONLY BE PROPERLY ACCOMPLISHED BY FOLLOWING EXISTING LEGAL PROCEDURES.

5. IN ORDER TO COMPLETE THE CHRONOLOGY RECITED IN THE PREAMOLE SUGGESTED REF B, PHRASE "AS PROVIDE FOR IH FINAL CLAUSE OF THE CONVENTION" (OR SIMILAR WORDS) SOULD BE INSERTED AT END PARA C OF PREAMOLE. WITHOUT SUCH INSERTION, THE PREAMBULATORY NARRATIVE IS INCOMPLETE.

6. AT END OF ARTICLE V OF TEXT PRESENTED REF B, "IT" SHOULD BE DELETED AND "THIS PROTOCOL" PLACED IN ITS STEAD. USE OF PRONOUN IN THIS CONTEXT INAPPROPRIATE.
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7. IF FURTHER INSTRUCTIONS REQUIRED, PLEASE ADVISE. ROBINSON

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